Hunters Point Press Responses - May 18 – July 26, 2018

May 18, 2018

Inside EPA, Suzanne Yohannan

Questions:

Michele,
I have some new questions related to Hunters Point / Tetra Tech.

This relates to a May 14 letter from House Democratic Leader Nancy Pelosi to EPA Administrator Pruitt and Navy Secretary Richard Spencer regarding Tetra Tech's work at Hunters Point.

In her letter, Rep. Pelosi asks that the Navy work with EPA and the state in collaborating on a resampling workplan.

She also asks that Parcel A -- which was transferred to San Francisco in 2004 -- be rescanned to ensure it is clean from radionuclides and contaminants.

Third, she calls on the Navy to "seriously consider" the evidence against Tetra Tech to see if suspension or disbarment are needed. And she says all federal agencies with contracts with Tetra Tech "should be made aware of the serious investigations underway regarding their work at Hunters Point, so that they can be on guard to safeguard against other potential fraudulent activities."

My questions are:
1. Has EPA responded to her letter, or does it plan to? If so, when? And can I obtain a copy of the response?

2. Is EPA working with the Navy and state of California on a workplan for retesting soil? If so, when will this be available?

3. Do EPA or the Navy plan to re-scan Parcel A? If so, when? If not, what are the reasons for declining to do so?

4. Do you know if EPA is considering suspending or disbarring Tetra Tech at Hunters Point, or at any other sites? If so, what other sites? Is EPA investigating whether Tetra Tech's falsifications/fraud extended beyond those two employees? Is it evaluating whether such fraud is occurring or occurred at other sites? If so, what is EPA doing about that? Has it alerted other federal agencies with contracts with that company about the Hunters Point convictions?

Response:

Q1. Has EPA responded to her letter, or does it plan to? If so, when? And can I obtain a copy of the response?

A1: Yes, EPA will be responding to the letter by early June. We can share a copy with you once it is final.

Q2. Is EPA working with the Navy and state of California on a workplan for retesting soil? If so, when will this be available?

A2: Yes, EPA is working with the Navy and state regulatory agencies on a workplan for retesting soil at Hunters Point Naval Shipyard. The Navy has said they expect to share a draft of the plan with the public for comment within the next month.

Q3. Do EPA or the Navy plan to re-scan Parcel A? If so, when? If not, what are the reasons for declining to do so?

A3: EPA is investigating the new allegations regarding Parcel A that have come to light and will release the results of our evaluation publicly.

Q4. Do you know if EPA is considering suspending or disbarring Tetra Tech at Hunters Point, or at any other sites? If so, what other sites? Is EPA investigating whether Tetra Tech's falsifications/fraud extended beyond those two employees? Is it evaluating whether such fraud is occurring or occurred at other sites? If so, what is EPA doing about that? Has it alerted other federal agencies with contracts with that company about the Hunters Point convictions?

A4: Tetra Tech EC Inc. is the Navy's contractor, and any questions regarding that contractual relationship should be directed to the Navy.

Any possible or ongoing investigation by EPA would be of a confidential nature and therefore not something we could discuss.

June 11, 2018

Inside EPA, Suzanne Yohannan

Questions:

I have a couple follow-up questions related to your responses below.

Has EPA responded yet to House Minority Leader Pelosi's letter about Hunters Point? (see Q1/A1 below.) If so, could I obtain a copy of EPA's response?

Is the workplan for retesting soil available to the public yet? (See Q2/A2.) If so, could I obtain a copy from you?

Is there anything more you can say about a possible ongoing investigation by EPA into Tetra Tech? I know that DOJ has an ongoing investigation. Is EPA part of that? Does the investigation include other cleanups/ cleanup sites?

When will it be completed?

Response:

Q1. Has EPA responded yet to House Minority Leader Pelosi's letter about Hunters Point? (see Q1/A1 below.) If so, could I obtain a copy of EPA's response?

No, we have not responded yet. Yes, we can share a copy with you once it is final.

Q2. Is the workplan for retesting soil available to the public yet? (See Q2/A2.) If so, could I obtain a copy from you?

The Navy is the lead on drafting the workplan and has stated that it is preparing a draft to give the public and EPA at the same time later this month. For more information, contact the Navy's Public Affairs Officer, William Franklin, at (619) 524-5433.

Q3. Is there anything more you can say about a possible ongoing investigation by EPA into Tetra Tech? I know that DOJ has an ongoing investigation. Is EPA part of that? Does the investigation include other cleanups/ cleanup sites? When will it be completed?

Any possible or ongoing investigation by EPA would be of a confidential nature and therefore not something we could discuss.

June 27, 2018

Inside EPA, Suzanne Yohannan

Questions:

[she had previously asked for copy of letter sent to House Minority Leader Nancy Pelosi]

Response:

Hi Suzanne,

Per your request, here is a copy of EPA's response to House Minority Leader Pelosi's letter about Hunters Point.

I'm sorry for not getting it to you sooner, I was out of the office last week.

Best,

Michele

July 16, 2018

SF Chronicle, Jason Fagone/Cynthia Dizikes

Questions:

[reporters sent a 5-page document that included text for review and 20+ questions]

Response:

Thank you for your query regarding Hunters Point Naval Shipyard (HPNS) Building 606.

Many of the questions you asked and sections of text you asked EPA to review are most appropriately handled by other agencies. We are providing you with background information that will help to clarify the facts related to Building 606 and EPA's role.

The Navy, as the former owner and operator of the HPNS, is the lead agency responsible for the investigation and cleanup of HPNS. EPA and its state regulatory agency partners oversee and enforce Navy compliance with the Comprehensive Environmental Response Compensation and Liability Act (commonly called the Superfund law) and other requirements to ensure the cleanup at HPNS protects human health and the environment.

As such, the Navy is responsible for drafting documents describing the nature and extent of any hazardous substances released on the site, such as the Environmental Baseline Assessments; evaluating the risks posed by those hazardous substances; and recommending what, if anything, needs to be done to address them prior to making a Finding of Suitability to Lease (FOSL). EPA is responsible for reviewing and evaluating these types of documents for accuracy, compliance with the Superfund law, and consistency with other site environmental documents that have been published.

In any case in which the federal government (here, the Navy) intends to lease a parcel on which hazardous substances are known to have been released or disposed of, the Superfund law requires the Navy to notify the lessee and potentially restrict the use of the property to mitigate any residual risk the contaminants could pose. In this case, EPA confirmed that the 2008 FOSL required such a notice to future lessees of Building 606 and appropriately restricted the use of the property, consistent with the Superfund law.

EPA believes the workers in Building 606 are protected from potential radiological and volatile organic compound contamination. The surface soil beneath the building has been excavated and removed to a depth of 5.5 feet. In addition, an 8 - 12" concrete slab provides protective shielding from potential radiation. Building 606 also has a vapor barrier and ventilated crawl space in place to protect building occupants from potential volatile organic compounds.

The attached map shows that the location of the single sample showing elevated levels of 1,4-dichlorobenzene is not close to Building 606. It also shows four detections of benzene in three locations. Two of the locations are adjacent to Building 606, not under it, and one is beneath the parking lot. Benzene was not found in the groundwater monitoring well in the vicinity.

The Navy's Human Health Risk Assessment, which was performed related to volatile organic compounds, was based on extremely conservative assumptions. For example, it assumes that someone would be in contact directly with the chemical in soil, but in fact, Building 606 has a vapor barrier and ventilated crawl space. It also assumes that each chemical would be present in a uniform concentration over a widespread area, but in fact, most sampling locations did not show elevated levels of chemicals. Third, it assumes that each chemical would never reduce its volume, but in fact, nearly twenty years have passed since the original tests, and the chemicals are "volatile," which means that they can easily turn into a gas form and blow away, thus reducing their volume.

Regarding Buildings 507 and 508, please see attached Figure 5-1 from the Final Status Survey Report for Building 503. It shows that Buildings 507 and 508 overlap only with the southeast and southwest corners of the parking lot, not with Building 606. For reference, here is a link to the document about the excavation of the soil from underneath Building 503. [HYPERLINK "https://www.envirostor.dtsc.ca.gov/public/final_documents2?global_id=38440005&doc_id=60320254 "]

As for questions about the prior work done by Tetra Tech EC Inc., EPA's focus right now is on working with the Navy and other regulatory agencies to create a sampling approach and plan for Parcels G. As we move forward, we will assess proposed retesting at all parcels where Tetra Tech EC Inc. did radiological work.

July 20, 2018

SF Chronicle, Jason Fagone/Cynthia Dizikes

Questions/Responses:

Question 1: Is EPA going to answer our question about the October 2016 fact sheet on Building 606? The fact sheet reads, "The Navy scanned soil from beneath Building 606 and found no elevated radiation levels." That's inaccurate, according to the Building 503 final status survey. It appears to us that the EPA misstated the facts here, to the public, and that's what we are reporting. We thought it was a fair question.

Answer: We reviewed the final systematic sample analytical results related to the area on which Building 606 was constructed and verified that these results showed no elevated radiation levels. You are correct that one out of approximately 700 earlier systematic samples did show slightly elevated concentrations. However, all of this soil, including the one location with elevated concentration, was removed from beneath Building 606 to a depth of 5.5 feet in the late 1980s, before construction of the building. We plan to update our fact sheet to include these additional details. EPA still believes that the soil removal and installation of the concrete slab would protect workers from exposure to any potential radiation.

Question 2. When you say "ventilated crawl" we are reading that as simple ventilation, ***not*** *that it was designed with a vapor intrusion fan system, or the like. Again, our understanding is that radon and VOCs can concentrate beneath vapor barriers and slabs and migrate into a structure through tears and cracks. Concrete slabs also can mitigate radiation, but don't eliminate possible exposure.*

In any event, our understanding is that best practices would call for a mitigation system to be designed after an evaluation of the soil for VOCs/radium/other isotopes. From the documents we have seen, such an evaluation was never done of the soil beneath Building 606.

If that is accurate, how does the EPA know that the mitigation measures at Building 606 are adequate? If that is not accurate, can you please provide the soil evaluations and subsequent testing for VOCs and radon within the building?

As we explained in our earlier response, the VOCs detected in 1989 and 1990, nearly 30 years ago, can easily degrade or turn into a gas form and blow away. In addition, if significant VOC contamination were under or near Building 606, it would have washed into groundwater. No VOC detections were found in the two closest wells after sampling at least four times each in 1990 and 1991. Finally, the locations of the VOC detections are not directly under Building 606. In fact, one of them was 400 feet away from the building. (See Draft Final Report, Parcel D Remedial Investigation, 1996). The vapor barrier and ventilated crawl space described in the Finding of Suitability for Lease (FOSL) were installed out of an abundance of caution as an extra layer of protection.

In 2008, EPA reviewed the above information about VOCs and made a determination that the measures described in the FOSL would protect the workers at Building 606 from exposures above health-based standards due to vapors from under the building. EPA still believes this to be true, even if ventilation is passive and even if a vapor barrier has a tear or crack.

Furthermore, soil removed from under Building 503 did not show any elevated levels of radionuclides that could have decayed to Radon 222 (See Final Status Survey Report, Building 503, 2013). Naturally occurring radon has not been measured in the zip code where Building 606 is located. (See [HYPERLINK "http://www.city-data.com/radon-zones/California/California.html" \l "ixzz56Xkz8mXO"])

Question 3: We haven't been able to find any cancer risk estimates for Building 606, specifically, or Building 503. It is our understanding that is because those sites were never comprehensively tested. Is that accurate? If not, can you point us to any risk estimate specific to Building 606, or the 503 soil site it sits on top of?

Answer: Here is a link to the 2008 Parcel E Revised Remedial Investigation Report:

[HYPERLINK "https://www.envirostor.dtsc.ca.gov/public/final_documents2?global_id=38440005&doc_id=5005436"]

This gives information about comprehensive testing at Parcel E. Appendix I of this document has the Human Health Risk Assessment. Attached is Appendix I3, which shows risks related to VOCs in Installation Restoration Site 08, which extends beyond Building 606. In addition, the Final Status Survey Report for Building 503, which you already have, provides calculations of cancer risk associated with measured concentrations in soil from the excavation of the 5.5 foot deep crawl space. Please contact the Navy for more information. You can reach Derek Robinson at 619-524-6026 or Bill Franklin at 619-524-5433.

Question 4: we did find a reference to a risk assessment for Building 606 from a ways back, in a Tetra Tech/Navy report of June 2000 -- "Draft Final Parcel E Risk Management Review Process." We can't find this report online and it's not clear the SF library has a copy. Do you have a copy you could share?

Answer: The Navy is required to maintain the full Administrative Record for the Hunters Point Naval Shipyard site. Here is the link on the Navy website to learn more about how to access site documents:

[HYPERLINK "https://www.bracpmo.navy.mil/brac_bases/california/former_shipyard_hunters_point/documents1.html"]

You can also contact the Navy at the phone numbers listed above.

July 23, 2018

KALW, Wendy Holcombe

Questions:

Hi Michele - Circling back on the show on the Bayview Hunters Point Shipyard clean up and development this Monday 7/23/18 from 7-8pm. I would love to get a voice on the panel that represents that government's perspective. Would there be someone from the EPA who could speak to this? John Chesnutt or Enrique Manzanilla? Participation could be by phone. I am really trying not to have a one-sided panel so hope something could work out.

Response:

Thank you for inviting EPA to take part in your panel discussion tonight. I'm afraid we will not be able to grant your interview request at this time, but we did want to offer the following statement:

> The U.S. Environmental Protection Agency remains committed to ensuring that the Bayview-Hunters Point community is protected from exposure to radiation and that the Hunters Point Naval Shipyard site can be used for work, recreation, and residential purposes.
>
> The Navy is the lead agency responsible for the investigation and cleanup of the Hunters Point Naval Shipyard. EPA and its state regulatory agency partners oversee and enforce Navy compliance with the Comprehensive Environmental Response Compensation and Liability Act (commonly called the Superfund law) and other requirements to ensure the cleanup at Hunters Point Naval Shipyard protects human health and the environment.
>
> EPA is investigating the impacts of Navy contractor Tetra Tech EC Inc.'s failure to follow the cleanup work plan at Hunters Point Naval Shipyard. Our focus is on ensuring both that no current workers or residents are exposed to hazardous materials and that future residents and workers are protected. We believe that current procedures and protocols will protect current workers and residents, and we are working with the Navy and the state of California to ensure that any radiological contamination that may remain on-site is cleaned up to the standards set in the cleanup decision documents. EPA will not approve any further transfers or new development without ensuring public health and safety.

July 25, 2018

SF Chronicle, Jason Fagone/Cynthia Dizikes

Questions:

Hi Michele. Thanks. Just a quick follow-up to make sure I understand one of your answers here.

How is EPA getting that there was only one sample above release criteria in Tetra Tech's soil samples from the 503 soil? In the 503 Final Status Survey we see five samples above release criteria, from Survey Unit 24. And 32 cubic yards of soil were disposed as hazardous waste. Quoting from the report:

"One soil sample (Sample Point 11) collected from Survey Unit 24 exceeded the release criterion for 137Cs at **0.1218 pCi/g**....The results from one soil sample, Sample Point 42, exceeded the release criterion for 137Cs at **0.1474 pCi/g**... A third set of systematic soil samples was collected in Survey Unit 24 following the remediation activities and submitted to the on-site laboratory for analysis. The analytical results identified 137Cs contamination in three samples: Sample Points 62 (**0.2036 pCi/g**), 66 (**0.1652 pCi/g**), and 69 (**0.1134 pCi/g**). Characterization samples were collected in Survey Unit 24 to bound Sample Points 62, 66, and 69 with clean samples."

There were also multiple samples in trench units around the building with elevated levels. So how are you getting 1 sample out of 700? And should the elevated samples from the trench units around the building also have been included in the 2016 fact sheet, or did EPA not consider that relevant?

Response:

Our statement that "one out of approximately 700 earlier systematic samples did show slightly elevated concentrations" referenced the systematic samples of soil that had been previously removed from under Building 503. That excavation -- and sampling process – occurred as part of the creation of the crawlspace under Building 606.

The Navy first divided the soil to be tested into 35 "survey units". Each survey unit was then divided into a grid of 20 locations of even size and spacing. The Navy then collected one "systematic" sample within each of the 20 grid locations within each of the 35 survey units, which added up to a total of 700 initial systematic samples. Of those 700 initial systematic samples, only one (Survey Unit 24: Sample Point 11) exceeded the release criterion for Cs-137.

When Survey Unit 24: Sample Point 11 exceeded the release criterion, the Navy then took additional characterization samples surrounding that sample point to define the extent of potential contamination. The area was excavated and the process of taking systematic samples was repeated, with additional excavations conducted as needed, until systematic samples no longer showed exceedances. The final set of samples taken, which all tested as within the release criteria, were called "final systematic" samples.

Survey Unit 24: Sample Points 42, 62, 66, and 69 were from the second and third set of systematic samples related to the original grid location where Survey Unit 24: Sample Point 11, the initial systematic sample, first triggered the need for excavation. Therefore EPA had counted the additional four samples that you listed (Survey Unit 24: Sample Points 42, 62, 66, and 69) as being associated with Sample Point 11.

Even though the 32 cubic yards of material that was disposed of was characterized as hazardous waste, it was actually made up of both the small number of sample points that were above the release criterion and larger amounts of non-contaminated soil that was removed as part of the excavation process.

Because the trench units around Building 606 were not under the building, any contamination found in them would not have had as direct an impact on occupants of Building 606. In addition, around Building 606, the new parking lot and streets provide shielding that protect pedestrians from any potential radiological contamination. As such, information on the trench units was not included in the 2016 fact sheet.

July 25, 2018

CurbedSF, Chris Roberts

Questions:

OCII says that there were "no CERCLA actions required... for storm and sewer lines" that remained on Parcel A-1. I can't get a straight answer out of them if this means that all storm and sewer lines were so un-impacted, or just some, or what. Either way, seems EPA would be party to any plan to keep the storm and sewer lines there or to have them removed, as was done at other parcels. If EPA released the land with the Navy-era storm and sewer lines, can we find out the basis for this choice?

Response:

The Navy conducted a Historical Radiological Assessment (HRA) in 2004, as well as multiple investigations, to identify potentially radiologically-impacted areas of Hunters Point Naval Shipyard for further follow-up. For Parcel A, the only potentially radiologically-impacted area that could have entered the storm drain or sewer lines was Building 322. This building only had radiological uses prior to its 1959 relocation from then-Parcel D to Parcel A, following a clearance survey by the Navy. After its relocation to Parcel A, Building 322 was used as a North Gate Pass Office and the HRA did not identify any radiological use of the building while it was located on Parcel A. This building was demolished and removed in 2004. Following the removal, an EPA health physicist conducted independent hand scans of the area using two types of scanners to confirm that the former building site was clean. Therefore, no CERCLA action was required related to storm drain or sewer lines before transfer of Parcel A.

By contrast, in other parts of Hunters Point Naval Shipyard that are downstream of Parcel A, the HRA identified potentially radiologically-impacted areas that could have resulted in contamination entering storm drain or sewer lines. Therefore, additional investigation and removal was required under CERCLA for those other locations.